

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrews et al.)
Customer No.: 051957)
Serial No.: 10/829,139)
Conf. No.: 5372)
Filed: March 13, 2003)
Group Art Unit: 1626)
For: Kinase Inhibitors for the)
Treatment of Disease)
)
Examiner: Kamal A. Saeed)

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REPLY

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's requirement that applicant's elect to prosecute the invention of claims 1-20 or the invention of claims 21-26, the applicants hereby elect to prosecute claims 1-20, without prejudice. Furthermore, the applicants traverse this election requirement because it is believed that the examination of claims 1-20, in their entirety, would not be a burden on the Examiner.

To fully comply with the Examiner's election requirement, the applicants further elect to prosecute the compound of Example 19, i.e, 3-(5-Dimethylamino-3H-isobenzofuran-1-ylidene)-1-piperidin-1-ylmethyl-1,3-dihydro-indol-2-one.

The compound reads on the elected claims as follows:

Example 19 is represented by formula III of claim 1 and claim 15 which is limited to formula III wherein

b is 0,

a is 1,

R is a "substituted hydrocarbyl radical wherein said substituted hydrocarbyl radical may be substituted with heteroatoms selected from the group consisting of ...nitrogen...", specifically R is dimethyl amino,

X is O,

Y is $[C(R^2)_2]_c$ wherein R^2 is H and c is 1,

R^5 and R^6 are hydrogen, among other radicals,

and R^3 and R^4 are hydrocarbyl, specifically NR_3R_4 is piperidinyl.

In claim 3, R^5 and R^6 are hydrogen.

In claim 4, all variables are as in claim 3 but R^3 and R^4 together with the nitrogen atom form a 5 membered ring, i.e. piperidinyl.

In claim 5, all variables are as in claim 4 but R^3 and R^4 together with the nitrogen atom form a 5 membered ring, i.e. piperidinyl.

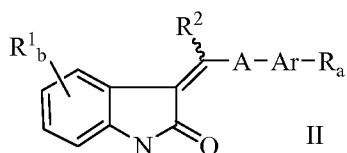
In claim 5 said ring of claim 4 is piperidinyl.

In claim 16, which is dependent on claim 15 X and Y are O and CH_2 , respectively.

In claim 18, which is dependent on claim 16 is 1 and R is dimethyl amino.

In claim 19 the compound is specifically claimed as 3-(5-Dimethylamino-3H-isobenzofuran-1-ylidene)-1-piperidin-1-ylmethyl-1,3-dihydro-indol-2-one.

In claim 20, B represents



The remaining variables are as follows:

R^5 and R^6 are hydrogen and R^3 and R^4 "together with the nitrogen atom may form a cyclic ring, e.g. piperidinyI".

Thus, claims 1, 3-5, 15, 16 and 18-20 read on the elected compound.